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ACTION DLOS-05

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PM-03 H-01 INR-07 L-02 NSAE-00 NSC-05 PA-01 RSC-01

PRS-01 SP-02 SS-15 USIA-06 FEA-01 AID-05 CEQ-01

COA-01 COME-00 EB-07 EPA-01 NSF-01 OES-03 ACDA-05

AEC-05 AGR-05 DOTE-00 FMC-01 INT-05 JUSE-00 OMB-01

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C O N F I D E N T I A L THE HAGUE 0635

E.O. 11652: GDS

TAGS: PLOS, NL, GW, DA

SUBJECT: LOS - MARINE SCIENTIFIC RESEARCH DISCUSSIONS

REF: THE HAGUE 0524

1. SUMMARY: LOS TEAM MET WITH DUTCH, DANISH, AND FRG REPRESENTATIVES TO DISCUSS MARINE SCIENTIFIC RESEARCH STRATEGY FOR GENEVA LOS SESSION. INQUIRIES ALSO MADE BY DUTCH AND FRG CONCERNING MARGIN BEYOND 200 MILES AND OPINIONS EXPRESSED REGARDING PROSPECTS FOR GENEVA. END SUMMARY.

2. LOS TEAM CONSISTING OF ROGER H. HULL AND MORRIS BUSBY (STATE) AND NORMAN WULF (NSF) MET FEB. 6 WITH LEIF REIMANN AND VOGG JACOBSEN (DENMARK), JAAP WALKATE AND HUGO SIBLESZ (NETHERLANDS), AND STEPHAN VAN WELCK (FRG) IN FULL-DAY SESSION TO REVIEW DUTCH AND GERMAN
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DRAFTS ON MARINE SCIENTIFIC RESEARCH (REFTEL) AND TO

PLAN STRATEGY FOR GENEVA LOS SESSION. DANES, DUTCH, AND GERMAN FRANKLY EXPRESSED VIEWS ON OTHER LOS SUBJECTS IN ADDITION TO SCIENCE.

3. FRG STATED THAT RESEARCH MUST BE CONSIDERED AS PART OF WHOLE PACKAGE AND THAT COMMITTEE III ISSUES CANNOT BE SEPARATED FROM COMMITTEES I AND II. FOR INSTANCE, (I) IF INTERNATIONAL AUTHORITY CANNOT MINE, IT SHOULD NOT BE GRANTED RIGHT TO CONDUCT RESEARCH, AND (II) SO LONG AS COASTAL STATE RIGHTS WITHIN ECONOMIC ZONE ARE UNRESOLVED, RESEARCH ISSUE CANNOT BE DECIDED. VON WELCK ADDED, HOWEVER, THAT STATES MUST BE PREPARED TO ACT IN COMMITTEE III AS SOON AS THESE QUESTIONS ANSWERED AND THAT SUPPORTERS OF FREE SCIENTIFIC RESEARCH THEREFORE SHOULD LOOK NOW TO NEXT STEPS ON SCIENCE ISSUE.

4. DENMARK STATED THAT IT VIEWED NEGOTIATIONS AS PACKAGE AND THAT PROGRESS MUST BE MADE SIMULTANEOUSLY IN ALL COMMITTEES, A FACT WHICH, OF NECESSITY, WOULD REQUIRE ADDITIONAL NEGOTIATING TIME. REIMANN ALSO STATED THAT SOVIETS REPORTED TO DANES THAT AMERASINGHE AND OTHER CONFERENCE OFFICIALS HAD TOLD THEM THAT G77 WOULD PUSH FOR VOTING BY APRIL 17 AND THAT SOVIETS FEARED THAT VOTING WOULD OCCUR. ON SCIENCE, REIMANN SAID THAT DANES HAD DUAL APPROACH: THEY WANTED EITHER DUTCH PROPOSAL (L.19) OR OPTION OF ACCEPTING PROVISIONS OF 1958 SHELF CONVENTION.

5. NETHERLANDS RESTATED COMMITMENT TO L.19 AND EXPRESSED VIEW THAT GENEVA WILL BE QUOTE HAMMER SESSION UNQUOTE. WALKATE FELT THESE WOULD BE VOTING ON ALL ISSUES AND THAT DRAFTING SESSION WOULD FOLLOW GENEVA.

6. IN DISCUSSION OF DUTCH AND GERMAN DRAFTS, FRG POINTED OUT THAT DISTINCTION BETWEEN RESOURCE AND NON-RESOURCE RESEARCH, WHICH VON WELCK STRESSED WAS CONFIDENTIAL AND HAD DRAWN QUOTE HESITANCY UNQUOTE IN FRG, WAS TO ENSURE THAT PART OF SCIENTIFIC RESEARCH COULD BE SAVED. CLEAR FROM DISCUSSION THAT FRG HAD RECEIVED NO SUPPORT FROM OTHER EEC MEMBERS IN BRUSSELS MEETING FEB. 4 AND THAT VON WELCK WAS MAKING A FINAL EFFORT FOR APPROACH. WHEN CONFIDENTIAL

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U.S. TEAM AND OTHERS QUESTIONED APPROACH, ESPECIALLY NOTIFICATION TO INTERNATIONAL AUTHORITY FOR RESEARCH, IN INTERNATIONAL AREA, VON WELCK LET ISSUE DROP.

7. DUTCH STATED THAT DUTCH PROPOSED CHANGES WERE MADE TO GET ADDITIONAL LDC SUPPORT. AFTER DANISH AND U.S. SUGGESTIONS, DUTCH AGREED BEST APPROACH WOULD BE TO KEEP DEFINITION OF SCIENTIFIC RESEARCH VAGUE AND TO FOCUS ON

ARTICLE 6 (OBLIGATIONS SECTION) OF L.19 AS MEANS OF MEETING
LDC CONCERNS.

8. WHILE DISCUSSING SHELF, DUTCH AND GERMAN
REPEATEDLY STATED THAT COASTAL STATE JURISDICTION MUST END
AT 200 MILES AND THAT SOME AREAS CONTAINING OIL WOULD HAVE
TO BE LEFT TO INTERNATIONAL AUTHORITY. FRG PRESSED FOR
U.S. VIEWS AND U.S. TEAM STATED POSITION AS SET FORTH IN
L.47. DUTCH ADDED COMMENT THAT UK WAS ADOPTING THE 3000-METER
ISOBATH FOR DELIMITING CONTINENTAL SHELF.

9. REIMANN REPORTED SOVIET UNION HAD STATED VIEW THAT
LOS TREATY SHOULD NOT APPLY TO ARCTIC AND HAD ALLUDED
TO A POSSIBLE NEGOTIATION OF A SPECIAL REGIME. RIEMANN
STATED DENMARK BELIEVED THAT ARTIC AREA INCLUDED HIGH
SEAS, A VIEW WHICH DANES REINFORCED BY REGULAR COMMERCIAL
FLIGHTS FROM COPENHAGEN TO JAPAN VIA ANCHORAGE. U.S.
TEAM EXPRESSED AGREEMENT WITH DANISH VIEW. WALKATE
WONDERED ABOUT THE STATUS OF ANTARCTICA BUT, APPARED
SATISFIED WHEN REIMANN STATED THERE WAS A SPECIAL TREATY
FOR THE ANTARCTIC.

10. DURING LUNCHEON, ALL EXPRESSED CONCERN OVER U.S.
200-MILE FISHERIES BILL AND NEED TO PREVENT PASSAGE.
DANES ASKED IF SETTLEMENT OF FISHERIES ISSUE AT GENEVA
WOULD PREVENT PASSAGE. U.S. ANSWERED THAT VOTE MIGHT
COME BEFORE OR DURING GENEVA AND THAT ISSUE WAS PART OF
PACKAGE AND HENCE NOT SEPARABLE.

11. IN AFTERNOON SESSION, DUTCH URGED U.S. TO CONSIDER
CHANGE IN POSITION CONCERNING SHELF AND DANES STATED
THAT CONSENT FOR SHELF RESEARCH MIGHT BE PRICE FOR FREE
WATER COLUMN RESEARCH. TEAM MEMBERS ANSWERED U.S.
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OPPOSED TO CONSENT FOR SHELF AND ASKED WHY CONSENT WAS
NEEDED. WHEN NO ANSWER FORTHCOMING, TEAM SUGGESTED
THAT THOUGHT BE GIVEN TO QUESTION AND THAT U.S. WOULD
BE HAPPY TO TRY TO SATISFY LEGITIMATE COASTAL STATE NEEDS
IN OBLIGATIONS SECTION.

12. ALL SIDES AGREED THAT COMPULSORY DISPUTE SETTLE-
MENT PROVISION MIGHT HELP SOLVE LEGITIMATE LDC CONCERNS.
DUTCH STATED THAT IN EEC DISCUSSIONS THERE WAS SUPPORT
OF CONCEPT THAT COASTAL STATE COULD SUSPEND RESEARCH
PROJECT UNTIL PANEL RESOLVED QUESTION AS TO WHETHER OBLIGATIONS
FULFILLED. U.S. AGREED THAT THIS APPROACH MIGHT BE
ACCEPTABLE, PROVIDED PANEL PROPERLY LINKED TO CHAPTER
ON COMPULSORY DISPUTE SETTLEMENT AND PROVIDED DECISION
MADE PRIOR TO PROPOSED COMMENCEMENT DATE OF PROJECT.

13. ON RESEARCH IN INTERNATIONAL AREA, U.S. REITERATED STAND THAT ANY RESTRICTIONS OR OBLIGATIONS ON RESEARCH IN INTERNATIONAL AREA WOULD BE UNACCEPTABLE. U.S. MADE CLEAR THAT THIS VIEW EXTENDED TO NOTIFICATION TO INTERNATIONAL AUTHORITY OF PROPOSED RESEARCH.

14. IN SUMMING UP, WALKATE STATED THAT SEVEN OF NINE EEC MEMBERS SUPPORTED L.19. HE ADDED THAT FRANCE AND UK HAD PROBLEMS REGARDING SHELF BUT THAT FRANCE WAS MOVING TOWARDS L.19 AND BRITAIN WAS MOVING (BUT HE WAS NOT SURE AS TO THE DIRECTION OF THEIR MOVE).

15. ALL SIDES AGREED ON NEED TO MEET EARLY IN GENEVA. WALKATE AGREED TO SET UP MEETING FIRST WEEK, ALTHOUGH HE INDICATED THAT AUSTRIA WOULD BE BETTER LEADER OF GROUP AND WOULD THEREFORE HEAD L.19 GROUP. HE ALSO ACCEPTED U.S. SUGGESTION THAT LESOTHO, WHICH WAS VOCAL SUPPORTER OF L.19 BE GIVEN ACTIVE LEADERSHIP ROLE.
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